

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Clerk's Minutes
Before the Honorable M. Christina Armijo

CASE NO. 16-2362MCA & 16-2363MCA **DATE:** 10/30/17

TITLE: *USA v. Lonnie Jackson and USA v. Diamond Coleman*

COURTROOM CLERK: C. Bevel

COURT REPORTER: J. Goehl

COURT IN SESSION: 1:06pm-5:49pm

TOTAL TIME: 4hr 43 min

TYPE OF PROCEEDING: 29 Opposed MOTION for Discovery Re Selective Enforcement Claim and 28 MOTION to Compel Discovery Pertaining to Claim of Selective Enforcement

COURT'S RULINGS/DISPOSITION: Hearing continued for further testimony

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

David Walsh

John Robbenhaar

Norm Cairns

Aric Elsenheimer

PROCEEDINGS:

1:06pm	Court in session, counsel enter appearances, defendants present in custody.
1:07pm	Mr. Elsenheimer requests defendants' be allowed to have one hand uncuffed.
1:08pm	Court will allow at discretion of US Marshall, as long as safety can be maintained.
1:11pm	Bench conference with counsel.
1:11pm	Mr. Robbenhaar addresses court regarding admission of exhibits.
1:12pm	Mr. Cairns responds.
1:12pm	Court will allow exhibits preliminarily and proceed step by step.
1:15pm	Mr. Walsh makes brief opening statement.
1:15pm	Mr. Robbenhaar makes brief opening statement.
1:18pm	Court addresses counsel regarding NCIC reports.
1:19pm	Mr. Walsh responds.
1:22pm	Court addresses Mr. Robbenhaar and Mr. Walsh.
1:23pm	Mr. Walsh responds.

1:25pm Mr. Robbenhaar responds.

1:26pm Mr. Cairns calls Agent Russell Johnson, witness sworn.

1:26pm Mr. Cairns conducts direct examination of witness Agent Johnson.

1:39pm Mr. Cairns moves to admit exhibit 57.

1:39pm Mr. Elsenheimer objects to admission of exhibit 57.

1:39pm Court will permit its use at this point and will consider requests for any further relief as the evidence develops.

1:40pm Mr. Cairns continues with direct examination of witness Agent Johnson.

2:14pm Mr. Cairns moves to admit exhibits 1-56.

2:14pm Bench conference with counsel.

2:15pm Court admits binder of exhibits 1-56 without objection from defendants.

2:16pm Mr. Cairns moves to admit exhibit 59.

2:16pm Mr. Elsenheimer objects to exhibit 59.

2:17pm Bench conference with counsel.

2:19pm Court admits exhibit 59.

2:19pm Mr. Cairns continues with direct examination of witness Agent Johnson.

2:19pm Mr. Cairns addresses court with admission of exhibit 58.

2:21pm Mr. Elsenheimer objects to admission, no witness to lay foundation.

2:21pm Mr. Cairns responds. Request to admit exhibit withdrawn.

2:22pm Court in recess.

2:46pm Court in session.

2:46pm Mr. Cairns continues with direct examination of witness Agent Johnson.

2:48pm Mr. Cairns moves to admit exhibit 60.

2:49pm Mr. Elsenheimer does not object. Court admits exhibit 60.

2:52pm Mr. Elsenheimer conducts cross examination of witness Agent Johnson.

3:31pm Mr. Elsenheimer moves to admit several pretrial services reports, exhibit A.

3:32pm Mr. Cairns responds.

3:33pm Bench conference with counsel.

3:36pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

3:38pm Court questions witness.

3:39pm Witness Agent Johnson responds.

3:40pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:01pm Mr. Elsenheimer moves to admit exhibits A-C requests permission to submit those electronically to the court.

4:03pm Court admits exhibits A-C and will expect electronic copies.

4:06pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:06pm Bench conference with counsel.

4:06pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:12pm Court in recess.

4:34pm Court in session.

4:34pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:37pm Court questions witness.

4:37pm Witness Agent Johnson responds.

4:38pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:40pm Bench conference with counsel.

4:40pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

4:57pm Bench conference with counsel.

4:57pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

5:39pm Bench conference.

5:39pm Mr. Elsenheimer continues with cross examination of witness Agent Johnson.

5:47pm Court addresses counsel, court will reset hearing for further cross examination of Agent Johnson and testimony of any further witnesses. Government to file objection to witness.

5:49pm Court in recess.